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REMARKS

JUL 05 2007

Claims 1-38 are pending in the present application. In the Office Communication mailed April 4, 2007, the Examiner addressed Applicant's Response to the Ex parte Quayle Action and Applicant's Petition Seeking Supervisory Review of Restriction Requirement, both dated January 3, 2007.

Claims 1-13 stand allowed.

Applicant acknowledges the Examiner's Office Communication dated April 4, 2007 in which the Examiner made final Applicant's election with traverse of Group I (claims 1-13). Applicant has separately and concurrently filed a Petition under 37 C.F.R. §1.144 seeking Director Review of Restriction Requirement.

Applicant continues to believe that the Examiner has erred in not providing a valid basis for a sustainable Restriction as fully set forth in Applicant's renewed Petition. The present Restriction is improper because claim 1 is generic to the scope of material that is called for in claims 14-38.

The Examiner stated that "Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take appropriate action." *Office Communication*, 04/04/2007, Pg. 3. However, the cover sheet of the Office Communication states that the Shortened Statutory Period of Response is 3 months. *Id.*, Cover Sheet. Thus, an inconsistency was created regarding the period of Response. Applicant believes that the Cover Sheet controls, and further, when such inconsistencies are made by the USPTO, the Applicant is given the longer period.

Therefore, Applicant respectfully believes that the present Restriction is improper and must be withdrawn. As a result, Applicant respectfully requests rejoinder of claims 14-38 with claims 1-13, and requests timely issuance of a Notice of Allowance for claims 1-38.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Dated: July 5, 2007  
Attorney Docket No.: GEMS8081.218

Respectfully submitted,

/Timothy J. Ziolkowski/

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